



NEWS

Judicial Council of California
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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JUNE 11, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-62 Advanced Bionics Corporation v. Medtronic, Inc., S097308. (B144465; 87 Cal.App.4th 1235, mod. 88 Cal.App.4th 594a.) Petition for review after the Court of Appeal affirmed the issuance of a temporary restraining order in a civil action. This case concerns whether, and in what circumstances, a court in California can enjoin a defendant in a declaratory relief action pending before it from pursuing a subsequently-filed action that the party instituted in another state.

#01-63 Hambarian v. Superior Court, S097450. (G026447; 88 Cal.App.4th 163.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. The court limited review to the issue of whether the district attorney's use, as an expert investigator, of a certified public accountant compensated by the victim, City of Orange, required recusal of the district attorney under conflict of interest principles. (Pen. Code, § 1424; People v. Eubanks (1996) 14 Cal.4th 580.)

#01-64 Summit Financial Holding, Ltd. v. Continental Lawyers Title Co., S097344. (D036868; 87 Cal.App.4th 1379.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case concerns whether an escrow holder owes a duty of care to third parties, or only to the parties and participants in the escrow.

(over)

#01-65 People v. Willis, S096349. (B135755; 87 Cal.App.4th 162.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case concerns whether quashing the jury venire and starting jury selection over again is the sole remedy when a trial court finds that defense counsel has improperly exercised peremptory challenges on the basis of group bias in violation of People v. Wheeler (1978) 22 Cal.3d 258, or whether a trial court has discretion to fashion some other remedy.

#01-66 Bowyer v. Philip Morris, Inc., S097441. (B145673.) Unpublished opinion. Petition for review after the Court of Appeal reversed the judgment in a civil action. The court order briefing deferred pending decision in Myers v. Phillip Morris Companies, Inc., S095213 (#01-29), which concerns whether the amendments to Civil Code section 1714.45 that became effective on January 1, 1998, apply to a claim that accrued after January 1, 1998, but which is based on conduct that occurred prior to January 1, 1998.

#01-67 People v. Daniel, S096485. (C034461.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Moss, S087478 (#00-79), which concerns whether a peace officer who searches a probationer subject to a search condition violates the Fourth Amendment rights of that individual if the officer is ignorant of the condition.

DISPOSITIONS

#00-02 People v. Matthews, S083619, was transferred to the Court of Appeal for reconsideration in light of People v. Epps, 25 Cal.4th 19.

The following cases were transferred to the Court of Appeal for reconsideration in light of Apprendi v. New Jersey, 530 U.S. 466, and People v. Epps, 25 Cal.4th 19:

#00-01 People v. Allen, S083835.

#00-03 People v. Ramirez, S083906.

The following cases were dismissed and remanded to the Court of Appeal:

#99-179 People v. Gonzalez, S081855.

#99-100 People v. Valentine, S078564.

#98-153 In re Marriage of Jacob and Arrieta, S073512.